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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/712,539
Filing Date	November 14, 2000
First Named Inventor	Hortander
Art Unit	2614
Examiner Name	P. Natnael
Attorney Docket Number	RCA 89567Div

Total Number of Pages in This Submission: 28

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
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- ☐ After Allowance communication to Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☑ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

Previous Notice of Appeal (from April 14, 2005) is submitted, indicating fee payment for the NOA.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Thomson Licensing Inc.
Signature	
Date	December 20, 2005

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CUSTOMER NO. 24498
Serial No.: 09/712,539

RCA89,567 Div.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

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DEC 20 2005

Applicant	:	Karl Francis Horlander
Serial No.	:	09/712,539
Filed	:	November 14, 2000
For	:	AN ADAPTIVE VIDEO IMAGE INFORMATION PROCESSING SYSTEM
Examiner	:	Paulos M. Natnael
Art Unit	:	2614

APPEAL BRIEF

May It Please The Honorable Board:

This is Appellant's Brief on Appeal from the rejection of claims 10-17, 19-20, 22-25, and 30-36. The fee owed in connection with this brief was already paid in the Appeal Brief submitted with the Office on September 14, 2005. If any fees however need to be paid in connection with this paper, please charge Deposit Account No. 07-0832. Appellant waives an Oral Hearing for this appeal.

Please charge any additional fee or credit overpayment to the above-indicated Deposit Account. Enclosed is a single copy of the Brief.

I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 09/712,539 is the Assignee of record:

Thomson Licensing
46 Quai Alphonse Le Gallo
92100 Boulogne Billancourt
France

II. RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 09/712,539 known to the undersigned attorney.

III. STATUS OF THE CLAIMS

Claims 10-20, 22-25, 29-36 are pending.

Claims 10-17, 19-20, 22-25, and 30-36 are rejected.

Claims 18 and 29 are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Claims 1-9 were found to be allowable. Such claims were cancelled and filed in a divisional application 11/063,194, as to further the prosecution of this application under appeal.

Claims 21 and 26-28 are cancelled.

IV. STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 10 claims a method for receiving a video signal that has video information and copy protection information related to a plurality of display formats (specification, page 6, lines 5-17, Fig. 3). The invention decodes such copy protection information to determine recording and reproduction properties of the video information (specification, page 7, lines 10-26). The invention then selects and processes the video information in a particular display format (specification, page 7, lines 10-26).

Independent Claim 19 claims a method for receiving a video signal that has video information and copy protection information related to a plurality of display formats (specification, page 6, lines 5-17 and Fig. 3). The invention decodes such

copy protection information to determine display formats available for recording said video image information (specification, page 7, lines 10-26). The invention then selects and processes the video information in a particular display format (specification, page 7, lines 10-26).

Independent Claim 30 claims a method for receiving a video signal that has video information and copy protection information related to a plurality of picture resolution formats (specification, page 6, lines 5-17 and page 8, lines 8-12). The invention decodes such copy protection information to determine display formats available for recording said video image information (specification, page 7, lines 10-35. The invention then selects and processes the video information in a particular display format (specification, page 7, lines 10-35 and page 8, lines 8-12).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner has rejected Claims 10-17 as anticipated under 35 U.S.C. 103(a) as being unpatentable under Kanota et al., U.S. Patent No. 5,991,500 in view of Mishina, U.S. Pat. No. 5,745,643.

The Examiner has rejected Claims 19-20, 22, 23 as anticipated under 35 U.S.C. 103(a) as being unpatentable under Kanota et al., U.S. Patent No. 5,991,500 in view of Mishina, U.S. Pat. No. 5,745,643.

The Examiner has rejected Claims 24-25 as anticipated under 35 U.S.C. 103(a) as being unpatentable under Kanota et al., U.S. Patent No. 5,991,500 in view of Mishina, U.S. Pat. No. 5,745,643, and in further view of Tsukamoto et al. U.S. Patent No. 5,796,828.

The Examiner has rejected Claims 30-36 as anticipated under 35 U.S.C. 103(a) as being unpatentable under Kanota et al., U.S. Patent No. 5,991,500 in view of Mishina, U.S. Pat. No. 5,745,643.

VII. ARGUMENTS

Rejection of Claims 10-17 as anticipated under 35 U.S.C. 103(a) as being unpatentable under Kanota et al., U.S. Patent No. 5,991,500 in view of Mishina, U.S. Pat. No. 5,745,643

The Examiner rejected Claims 10-17 as being anticipated under 35 U.S.C. 103(a) as being unpatentable under Kanota et al., U.S. Patent No. 5,991,500 in view of Mishina, U.S. Pat. No. 5,745,643. The Applicant disagrees with this ground of rejection.

Claim 10 claims the element of having "video image information and copy protection information associated with a plurality of display formats". The claimed copy protection information is used for "determining display formats available for at least one of: (i) recording said video image information; and (ii) reproducing said recorded video image information". The claimed copy protection information is also used for "adaptively selecting a display format in response to said decoded copy protection information". Support for the claimed elements of Claim 10 are in the specification on page 6, lines 4-29, page 7, lines 10-22, and in other places. These claimed elements are neither disclosed nor suggested in Kanota or Mishina, alone or in combination.

A. As stated above, Claim 10 claims an element decoding copy protection information where such copy protection information comprises data used for "determining the display formats available for at least one of (i) recording said video image information; and (ii) reproducing said recorded video image information." The Examiner cites to a section of Kanota describing the operation of copy protection detector 25, controller 26, encoder 27, and mixer 28 in view of copyright information signal S_1 and copy generation signals S_2, as to anticipate this claimed feature. Applicant disagrees with the Examiner's assertion.

Kanota describes S_1 as part of a signal that determines if, "a video signal is subject to copyright," (Kanota, col. 5, lines 11-15). Similarly, Kanota describes S_2 as information that determines if, "a signal generation of a video signal may be recorded," (Kanota, col. 5, lines 16-20). Neither of these signals S_1 nor S_2 disclose or suggest that such copy protection information is used for "determining the display formats available for at least one of (i) recording said video image

PAGE 7/28 * RCVD AT 12/20/2005 6:36:14 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/33 * DNIS:2738300 * CSID:609 734 6888 * DURATION (mm-ss):07-20

information; and (ii) reproducing said recorded video image information," as claimed in Claim 10. Kanota describes the use of S_1 and S_2 in controlling the copying of video information, not the specific display formats available to record video information in, or to reproduce such recorded video as claimed in Claim 10.

The Examiner responded to Applicant's argument regarding S_1 and S_2 by stating that Kanota discloses a copy control for a video signal with copyright signals as superimposed bits in the VBID data of the video signal. Specifically, the Examiner cites to Kanota, "wherein the first bit represents the aspect ratio of the viewable picture that may be displayed from the video signal (e.g., an aspect ratio of 16:9 or an aspect ratio 4:3; and the second bit indicates that a standard system or a letter box system," (Kanota, col. 14, lines 14-24). Applicant notes that Kanota's description of VBID data is used as a means of identifying transmitted video data, not as, "copy protection information associated with a plurality of display formats".

Kanota specifically identifies the aspect ratio information and standard/letter box system as, "the identifying data (the A field) constitutes discrimination data related to the picture signal transmission system" (Kanota, col. 14, lines 16-18). That is, this part of the VBID is used for identifying the contents of a video data, where S_1 and S_2 control whether a copy can be made of video data for a specific display format. This however does not disclose or suggest such copy signals S_1 and S_2 indicate data, "used for determining display formats available for at least one of: (i) recording said video image information; and (ii) reproducing said recording video information" as claimed in Claim 10.

In addition to the above argument, the Examiner writes in the Office Action that, "Kanota teaches that S_1 and S_2 are copy generation signals and depending on the display format, the copy generation signals are superimposed in the VBI lines. Kanota suggests that the copy generation may vary according to display format. Depending on the display format chosen, the superposition of the copy generation of signals S_1 and S_2 are determined," (Office Action, page 10, last paragraph). In actuality, Kanota discloses that the, "copyright information and copy generation signals may be superimposed in the non-picture portion of an NTSC signal, a PAL signal, or a high definition (HD) signal," (Kanota, col. 7, lines

22-24). That is, Kanota places information about copy protection in different places of a video signal depending on the color standard such as NTSC, PAL, ATSC used for the video signal. The placement of this information has nothing to do with determining available display formats, as claimed in Claim 10.

Therefore, Kanota, or Mishina, alone or in combination neither disclose nor suggest that such video data, or corresponding copy protection information is "associated with a plurality of display formats".

B. Examiner in the rejection acknowledges that Kanota does not disclose or suggest that claimed element of, "adaptively selecting a display format for displaying said video image on a recording medium in response to said decoded copy protection information". Applicant agrees with the Examiner's conclusion.

Examiner then cites to Mishina as disclosing this element of Claim 10. Hence, the Examiner states that it would be obvious to combine Kanota with the teachings of Mishina in order anticipate the claimed features of Claim 10. Applicant disagrees.

Examiner specifically cites to a copy flag in a video manager table of a DVD video directory which is used to inhibit copying (Mishina, col. 10, lines 51-53) and that the video manager table also has additional information recorded in a video title set information table (VTSI_MAT) 98. This information indicates if a DVD is to be played back is in a letter box format, pan and scan format, or if a conversion is required to be done in either a letter box or pan and scan format (Mishina, col. 31, line 38 to col. 33, line 14). Applicant notes that the cited to sections of Mishina, as with Kanota, do not disclose or suggest that the cited to copy prevention flag in the video manager operates with the letterbox or pan and scan information to anticipate the claimed features of Claim 10.

Mishina does not indicate that the copy inhibiting flag operates with or in view of the letterbox and/or pan and scan modes that is disclosed in Mishina, in the manner suggested by the Examiner. The letterbox and pan and scan modes in Mishina are used for controlling effectively controlling the playback of a DVD. Specifically, Mishina discloses that a DVD is in either a 3/4 or 9/16 aspect ratio

(Mishina, col. 32, lines 28-30). If it is determined that a DVD is in a 3/4 aspect ratio, the system will "prevent the letter box converter 204 from converting the data into letter box format," (Mishina, col. 32, lines 35-37), as well of a pan and scan process (Mishina, col. 32, lines 38-42).

If a DVD is in a 9/16 aspect ratio, Mishina describes a process where it determines whether an conversion should be done, if a user specifies that the DVD is in a 3/4 aspect ratio and whether the material to be played back is in a pan ad scan format, (Mishina, col. 32, lines 44-64). Mishina nor Kanota, alone or in combination, do not disclose or suggest that the cited to processes of letterbox or pan and scan by the Examiner represent copy protection information that is used for "adaptively selecting a display format for display said video image" as, claimed in Claim 10.

C. The Examiner additionally cites to the copy flag in Mishina as anticipating, "adaptively selecting a display format for displaying said video image on a recording medium in response to said decoded copy protection information" element of Claim 10, which the Examiner states is not disclosed or suggested in Kanota. Specifically, the Examiner writes in the Office Action mailed on January 14, 2005 that Mishina discloses, "a flag indicating whether or not the DVD video directory inhibits copying is written," (Office Action, page 4, first paragraph). Applicant notes that the Claim 10 is concerned with the, "selecting a display format for displaying said video image information in response to said decoded copy protection information." Hence, the copy protection information in Claim 10 is used for selecting a display format for display, not for simply "inhibiting copying" as cited to by the Examiner in Mishina.

Applicant submits that the copy flag of from Mishina, when combined with the disclosure or suggestions of Kanota, do not anticipate the claimed elements of Claim 10.

D. In response to the Applicant's arguments above, the Examiner cited to In re Keller, 208 U.S.P.Q. 871 (CCPA, 1981) as indicating that the Applicant's arguments attack the references individually, instead of the combination of the

references. Applicant submits that the arguments, made above, do in fact address the combination of references used by the Examiner to reject Claims 10-16.

For the forgoing reasons given above, Applicant submits that Claim 10 is patentable. Applicant requests that the Examiner remove the rejection to this claim. In addition, Applicant submits that Claims 11-16 are patentable, as such claims depend on Claim 10. Applicant requests the removal of the rejection to these claims, as well.

Rejection of Claims 19, 20, 22, and 23 as anticipated under 35 U.S.C. 103(a) as being unpatentable under Kanota et al., U.S. Patent No. 5,991,500 in view of Mishina, U.S. Pat. No. 5,745,643

The Examiner rejected Claims 19, 20, 22, and 23 as being anticipated under 35 U.S.C. 103(a) as being unpatentable under Kanota et al., U.S. Patent No. 5,991,500 in view of Mishina, U.S. Pat. No. 5,745,643. The Applicant disagrees with this ground of rejection.

Claim 19 has claimed features neither suggested nor disclosed, alone or in combination, in Kanota or Mishina. Specifically, Claim 19 has, "copy protection information comprises information for determining the display formats available for recording said video image information." This type of copy protection information is not disclosed nor suggested in Kanota or Mishina, alone or in combination.

A. As stated above, Claim 19 claims an element decoding copy protection information where such copy protection information comprises data used for "determining the display formats available for recording said video image information". Examiner cites to a section of Kanota describing the operation of copy protection detector 25, controller 26, encoder 27, and mixer 28 in view of copyright information signal S_1 and copy generation signals S_2, as to anticipate this claimed feature. Applicant disagrees with the Examiner's assertion.

Kanota describes S_1 as part of a signal that determines if, "a video signal is subject to copyright," (Kanota, col. 5, lines 11-15). Similarly, Kanota describes

S_2 as information that determines if, "a signal generation of a video signal may be recorded," (Kanota, col. 5, lines 16-20). Neither of these signals S_1 nor S_2 disclose or suggest that such copy protection information is used for "determining the display formats available for recording said video image information," as claimed in Claim 19. Kanota describes the use of S_1 and S_2 in controlling the copying of video information, not the specific display formats available to record video information as claimed in Claim 19.

The Examiner responded to Applicant's argument regarding S_1 and S_2 by stating that Kanota discloses a copy control for a video signal with copyright signals as superimposed bits in the VBID data of the video signal. Specifically, the Examiner cites to Kanota, "wherein the first bit represents the aspect ratio of the viewable picture that may be displayed from the video signal (e.g., an aspect ratio of 16:9 or an aspect ratio 4:3; and the second bit indicates that a standard system or a letter box system," (Kanota, col. 14, lines 14-24). Applicant notes that Kanota's description of VBID data is used as a means of identifying transmitted video data, not as, "copy protection information comprises information for determining the display formats available for recording said video image information".

Kanota specifically identifies the aspect ratio information and standard/letter box system as, "the identifying data (the A field) constitutes discrimination data related to the picture signal transmission system" (Kanota, col. 14, lines 16-18). That is, this part of the VBID is used for identifying the contents of a video data, where S_1 and S_2 control whether a copy can be made of video data for a specific display format. This however does not disclose or suggest such copy signals S_1 and S_2 indicate data, "for determining display formats available for recording said video image information" as claimed in Claim 19.

In addition to the above argument, the Examiner writes in the Office Action that, "Kanota teaches that S_1 and S_2 are copy generation signals and depending on the display format, the copy generation signals are superimposed in the VBI lines. Kanota suggests that the copy generation may vary according to display format. Depending on the display format chosen, the superposition of the copy generation of signals S_1 and S_2 are determined," (Office Action, page 10, last

paragraph). In actuality, Kanota discloses that the, "copyright information and copy generation signals may be superimposed in the non-picture portion of an NTSC signal, a PAL signal, or a high definition (HD) signal," (Kanota, col. 7, lines 22-24). That is, Kanota places information about copy protection in different places of a video signal depending on the color standard such as NTSC, PAL, ATSC (HD) used for broadcasting the video signal. The placement of this information has nothing to do with determining available display formats, as claimed in Claim 19.

Therefore, Kanota, or Mishina, alone or in combination neither disclose nor suggest that such video data, or corresponding copy protection information is "information for determining the display formats available for recording said video image information" as claimed in Claim 19.

B. Examiner in the rejection acknowledges that Kanota does not disclose or suggest that claimed element of, "adaptively selecting a display format for recording said video image on a recording medium in response to said decoded copy protection information". Applicant agrees with the Examiner's conclusion.

Examiner then cites to Mishina as disclosing this element of Claim 19. Hence, the Examiner states that it would be obvious to combine Kanota with the teachings of Mishina in order anticipate the claimed features of Claim 19. Applicant disagrees.

Examiner specifically cites to a copy flag in a video manager table of a DVD video directory which is used to inhibit copying (Mishina, col. 10, lines 51-53) and that the video manager table also has additional information recorded in a video title set information table (VTSI_MAT) 98. This information indicates if a DVD is to be played back is in a letter box format, pan and scan format, or if a conversion is required to be done in either a letter box or pan and scan format (Mishina, col. 31, line 38 to col. 33, line 14). Applicant notes that the cited to sections of Mishina, as with Kanota, do not disclose or suggest that the cited to copy prevention flag in the video manager operates with the letterbox or pan and scan information to anticipate the claimed features of Claim 19.

Mishina does not indicate that the copy inhibiting flag operates with or in view of the letterbox and/or pan and scan modes that is disclosed in Mishina, in the manner suggested by the Examiner. The letterbox and pan and scan modes in Mishina are used for controlling effectively controlling the playback of a DVD. Specifically, Mishina discloses that a DVD is in either a 3/4 or 9/16 aspect ratio (Mishina, col. 32, lines 28-30). If it is determined that a DVD is in a 3/4 aspect ratio, the system will "prevent the letter box converter 204 from converting the data into letter box format," (Mishina, col. 32, lines 35-37), as well of a pan and scan process (Mishina, col. 32, lines 38-42).

If a DVD is in a 9/16 aspect ratio, Mishina describes a process where it determines whether an conversion should be done, if a user specifies that the DVD is in a 3/4 aspect ratio and whether the material to be played back is in a pan ad scan format, (Mishina, col. 32, lines 44-64). Mishina nor Kanota, alone or in combination, do not disclose or suggest that the cited to processes of letterbox or pan and scan by the Examiner represent copy protection information that is used for "adaptively selecting a display format for recording said video image" as, claimed in Claim 19.

C. In response to the Applicant's arguments above, the Examiner cited to In re Keller, 208 U.S.P.Q. 871 (CCPA, 1981) in the Office Action as indicating that the Applicant's arguments attack the references individually, instead of the Examiner's combination of the references. Applicant submits that the arguments, made above, do in fact address the combination of references used by the Examiner to reject Claims 19, 20, 22, and 23.

For the forgoing reasons given above, Applicant submits that Claim 19 is patentable. Applicant requests that the Examiner remove the rejection to this claim. In addition, Applicant submits that Claims 20, 22, and 23 are patentable, as such claims depend on Claim 19. Applicant requests the removal of the rejection to these claims, as well.

Rejection of Claims 24 and 25 as anticipated under 35 U.S.C. 103(a) as being unpatentable under Kanota et al., U.S. Patent No. 5,991,500 in view of

Mishina, U.S. Pat. No. 5,745,643 and In further view of Tsukamoto et al. U.S. Patent No. 5,796,828

The Examiner rejected Claims 24 and 25 as anticipated under 35 U.S.C. 103(a) as being unpatentable under Kanota et al., U.S. Patent No. 5,991,500 in view of Mishina, U.S. Pat. No. 5,745,643 and in further view of Tsukamoto et al. U.S. Patent No. 5,796,828. The Applicant disagrees with this ground of rejection.

A. As stated above, Claim 19 (the claim for which Claims 24 and 25 depend on) claims an element decoding copy protection information where such copy protection information comprises data used for "determining the display formats available for recording said video information." Examiner cites to a section of Kanota describing the operation of copy protection detector 25, controller 26, encoder 27, and mixer 28 in view of copyright information signal S_1 and copy generation signals S_2, as to anticipate this claimed feature. Applicant disagrees with the Examiner's assertion.

Kanota describes S_1 as part of a signal that determines if, "a video signal is subject to copyright," (Kanota, col. 5, lines 11-15). Similarly, Kanota describes S_2 as information that determines if, "a signal generation of a video signal may be recorded," (Kanota, col. 5, lines 16-20). Neither of these signals S_1 nor S_2 disclose or suggest that such copy protection information is used for "determining the display formats available for recording said video image information," as claimed in Claim 19. Kanota describes the use of S_1 and S_2 in controlling the copying of video information, not the specific display formats available to record video information as claimed in Claim 19.

Examiner responded to Applicant's argument regarding S_1 and S_2 by stating that Kanota discloses a copy control for a video signal with copyright signals as superimposed bits in the VBID data of the video signal. Specifically, the Examiner cites to Kanota, "wherein the first bit represents the aspect ratio of the viewable picture that may be displayed from the video signal (e.g., an aspect ratio of 16:9 or an aspect ratio 4:3; and the second bit indicates that a standard system or a letter box system," (Kanota, col. 14, lines 14-24). Applicant notes that Kanota's description of VBID data is used as a means of identifying transmitted

video data, not for, "determining the display formats available for recording said video information ".

Kanota specifically identifies the aspect ratio information and standard/letter box system as, "the identifying data (the A field) constitutes discrimination data related to the picture signal transmission system" (Kanota, col. 14, lines 16-18). That is, this part of the VBID is used for identifying the contents of a video data, where S_1 and S_2 control whether a copy can be made of video data for a specific display format. This however does not disclose or suggest such copy signals S_1 and S_2 indicate data, "for determining display formats available for recording said video image information" as claimed in Claim 19.

In addition to the above argument, the Examiner writes in the Office Action that, "Kanota teaches that S_1 and S_2 are copy generation signals and depending on the display format, the copy generation signals are superimposed in the VBI lines. Kanota suggests that the copy generation may vary according to display format. Depending on the display format chosen, the superposition of the copy generation of signals S_1 and S_2 are determined," (Office Action, page 10, last paragraph). In actuality, Kanota discloses that the, "copyright information and copy generation signals may be superimposed in the non-picture portion of an NTSC signal, a PAL signal, or a high definition (HD) signal," (Kanota, col. 7, lines 22-24). That is, Kanota places information about copy protection in different places of a video signal depending on the color standard such as NTSC, PAL, ATSC (HD) used for broadcasting the video signal. The placement of this information has nothing to do with determining available display formats, as claimed in Claim 19.

Therefore, Kanota, or Mishina, alone or in combination neither disclose nor suggest that such video data, or corresponding copy protection information is "determining the display formats available for recording said video information as claimed in Claim 19, from which Claims 24 and 25 depend on.

B. Examiner in the rejection acknowledges that Kanota does not disclose or suggest that claimed element of, "adaptively selecting a display format for

recording said video image on a recording medium in response to said decoded copy protection information". Applicant agrees with the Examiner's conclusion.

Examiner then cites to Mishina as disclosing this element of Claim 19. Hence, the Examiner states that it would be obvious to combine Kanota with the teachings of Mishina in order anticipate the claimed features of Claim 19, the independent claims that Claims 24 and 25 depend on. Applicant disagrees.

Examiner specifically cites to a copy flag in a video manager table of a DVD video directory which is used to inhibit copying (Mishina, col. 10, lines 51-53) and that the video manager table also has additional information recorded in a video title set information table (VTSI_MAT) 98. This information indicates if a DVD is to be played back is in a letter box format, pan and scan format, or if a conversion is required to be done in either a letter box or pan and scan format (Mishina, col. 31, line 38 to col. 33, line 14). Applicant notes that the cited to sections of Mishina, as with Kanota, do not disclose or suggest that the cited to copy prevention flag in the video manager operates with the letterbox or pan and scan information to anticipate the claimed features of Claim 19.

Mishina does not indicate that the copy inhibiting flag operates with or in view of the letterbox and/or pan and scan modes that is disclosed in Mishina, in the manner suggested by the Examiner. The letterbox and pan and scan modes in Mishina are used for controlling effectively controlling the playback of a DVD. Specifically, Mishina discloses that a DVD is in either a 3/4 or 9/16 aspect ratio (Mishina, col. 32, lines 28-30). If it is determined that a DVD is in a 3/4 aspect ratio, the system will "prevent the letter box converter 204 from converting the data into letter box format," (Mishina, col. 32, lines 35-37), as well of a pan and scan process (Mishina, col. 32, lines 38-42).

If a DVD is in a 9/16 aspect ratio, Mishina describes a process where it determines whether an conversion should be done, if a user specifies that the DVD is in a 3/4 aspect ratio and whether the material to be played back is in a pan ad scan format, (Mishina, col. 32, lines 44-64). Mishina nor Kanota, alone or in combination, do not disclose or suggest that the cited to processes of letterbox or pan and scan by the Examiner represent copy protection information that is used

for "adaptively selecting a display format for recording said video image" as, claimed in Claim 19, the independent claim for which Claims 24 and 25 depend on.

For the forgoing reasons given above, Applicant submits that Claims 24 and 25, as such claims depend on allowable claim 19. Applicant requests that the Examiner remove the rejection to this claims.

Rejection of Claims 30-36 as anticipated under 35 U.S.C. 103(a) as being unpatentable under Kanota et al., U.S. Patent No. 5,991,500 in view of Mishina, U.S. Pat. No. 5,745,643

The Examiner rejected Claims 30-36 as being anticipated under 35 U.S.C. 103(a) as being unpatentable under Kanota et al., U.S. Patent No. 5,991,500 in view of Mishina, U.S. Pat. No. 5,745,643. The Applicant disagrees with this ground of rejection.

Claim 30 claims features neither suggested nor disclosed, alone or in combination, in Kanota or Mishina. Specifically, Claim 30 has, "copy protection information comprises information for determining the picture resolution formats for recording said video image information". This type of copy protection information is neither disclosed nor suggested in Kanota or Mishina, alone or in combination.

A. The cited references of Kanota and Mishina neither disclose nor suggest an operation of using copy protection information to determine "picture resolution formats available for recording said video image information". Specifically, in the rejection, the Examiner cites to Kanota as teaching elements such as aspect ratios, or whether a system is a standard system or a letterbox system (Office Action, page 3, last paragraph). When the Examiner cites to Mishina (in combination with Kanota), the Examiner cites to flag attributes that indicate settings such as Pan Scan Conversion or Letter Box Conversions, (Office Action, page 4, first paragraph). These cited to aspects of both Kanota and Mishina, alone and in combination, have nothing to do with using copy protection information to determine "picture resolution formats available for recording said video image information" as claimed in Claim 30.

B. As stated above, Claim 30 claims an element decoding copy protection information where such copy protection information comprises data used for "determining the picture resolution formats available for recording said video image information". The Examiner cites to a section of Kanota describing the operation of copy protection detector 25, controller 26, encoder 27, and mixer 28 in view of copyright information signal S_1 and copy generation signals S_2, as to anticipate this claimed feature. Applicant disagrees with the Examiner's assertion.

Kanota describes S_1 as part of a signal that determines if, "a video signal is subject to copyright," (Kanota, col. 5, lines 11-15). Similarly, Kanota describes S_2 as information that determines if, "a signal generation of a video signal may be recorded," (Kanota, col. 5, lines 16-20). Neither of these signals S_1 nor S_2 disclose or suggest that such copy protection information is used for "picture resolution formats available for recording said video image information," as claimed in Claim 30. Kanota describes the use of S_1 and S_2 in controlling the copying of video information, not the specific picture resolution formats available to record video information as claimed in Claim 30.

The Examiner responded to Applicant's argument regarding S_1 and S_2 by stating that Kanota discloses a copy control for a video signal with copyright signals as superimposed bits in the VBID data of the video signal. Specifically, the Examiner cites to Kanota, "wherein the first bit represents the aspect ratio of the viewable picture that may be displayed from the video signal (e.g., an aspect ratio of 16:9 or an aspect ratio 4:3; and the second bit indicates that a standard system or a letter box system," (Kanota, col. 14, lines 14-24). Applicant notes that Kanota's description of VBID data is used as a means of identifying transmitted video data, not as, "information for determining the picture resolutions formats available for recording said video image information".

Kanota specifically identifies the aspect ratio information and standard/letter box system as, "the identifying data (the A field) constitutes discrimination data related to the picture signal transmission system" (Kanota, col. 14, lines 16-18). That is, this part of the VBID is used for identifying the contents of a video data, where S_1 and S_2 control whether a copy can be made of video

data for a specific display format. This however does not disclose or suggest such copy signals S_1 and S_2 indicate data "picture resolution formats available for recording said video image information" as claimed in Claim 30.

In addition to the above argument, the Examiner writes in the Office Action that, "Kanota teaches that S_1 and S_2 are copy generation signals and depending on the display format, the copy generation signals are superimposed in the VBI lines. Kanota suggests that the copy generation may vary according to display format. Depending on the display format chosen, the superposition of the copy generation of signals S_1 and S_2 are determined," (Office Action, page 10, last paragraph). In actuality, Kanota discloses that the, "copyright information and copy generation signals may be superimposed in the non-picture portion of an NTSC signal, a PAL signal, or a high definition (HD) signal," (Kanota, col. 7, lines 22-24). That is, Kanota places information about copy protection in different places of a video signal depending on the color standard such as NTSC, PAL, ATSC (HD) used for transmitting the video signal. The placement of this information has nothing to do with determining the picture resolutions formats available for recording video information, as claimed in Claim 30.

Therefore, Kanota, or Mishina, alone or in combination neither disclose nor suggest that such video data, or corresponding copy protection information is "information for determining the picture resolutions formats available for recording said video image information" as claimed in Claim 30.

C. Examiner in the rejection acknowledges that Kanota does not disclose or suggest that claimed element of, "adaptively selecting a picture resolution format for recording said video image information on a recording medium in response to said decoded copy protection information". Applicant agrees with the Examiner's conclusion.

Examiner then cites to Mishina as disclosing this element of Claim 30. Hence, the Examiner states that it would be obvious to combine Kanota with the teachings of Mishina in order anticipate the claimed features of Claim 30. Applicant disagrees.

Examiner specifically cites to a copy flag in a video manager table of a DVD video directory which is used to inhibit copying (Mishina, col. 10, lines 51-53) and that the video manager table also has additional information recorded in a video title set information table (VTSI_MAT) 98. This information indicates if a DVD is to be played back is in a letter box format, pan and scan format, or if a conversion is required to be done in either a letter box or pan and scan format (Mishina, col. 31, line 38 to col. 33, line 14). Applicant notes that the cited to sections of Mishina, as with Kanota, do not disclose or suggest that the cited to copy prevention flag in the video manager operates with the letterbox or pan and scan information to anticipate the claimed features of Claim 30.

Mishina does not indicate that the copy inhibiting flag operates with or in view of the letterbox and/or pan and scan modes that is disclosed in Mishina, in the manner suggested by the Examiner. The letterbox and pan and scan modes in Mishina are used for controlling effectively controlling the playback of a DVD. Specifically, Mishina discloses that a DVD is in either a 3/4 or 9/16 aspect ratio (Mishina, col. 32, lines 28-30). If it is determined that a DVD is in a 3/4 aspect ratio, the system will "prevent the letter box converter 204 from converting the data into letter box format," (Mishina, col. 32, lines 35-37), as well of a pan and scan process (Mishina, col. 32, lines 38-42).

If a DVD is in a 9/16 aspect ratio, Mishina describes a process where it determines whether an conversion should be done, if a user specifies that the DVD is in a 3/4 aspect ratio and whether the material to be played back is in a pan ad scan format, (Mishina, col. 32, lines 44-64). Mishina nor Kanota, alone or in combination, do not disclose or suggest that the cited to processes of letterbox or pan and scan by the Examiner represent copy protection information that is used for "adaptively selecting a picture resolution format for recording said video image" as claimed in Claim 30.

D. In response to the Applicant's arguments above, the Examiner cited to In re Keller, 208 U.S.P.Q. 871 (CCPA, 1981) in the Office Action as indicating that the Applicant's arguments attack the references individually, instead of the Examiner's combination of the references. Applicant submits that the arguments,

made above, do in fact address the combination of references used by the Examiner to reject Claims 30-36.

E. Examiner rejects Claim 36 on the same basis as Claim 29, in the Office Action. Applicant notes that the Examiner objected to Claim 29 as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicant believes that if the Examiner found Claim 29 to be allowable, that Claim 36 should also be allowable, if rewritten in independent form.

For the forgoing reasons given above, Applicant submits that Claims 30 and 36 are patentable. Applicant requests that the Examiner remove the rejection to these claims. In addition, Applicant submits that Claims 31-35 are patentable, as such claims depend on Claim 30. Applicant requests the removal of the rejection to these claims, as well.

Respectfully submitted,
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December 20, 2005

APPENDIX I - APPEALED CLAIMS

10. A method of selecting a format for displaying video image information received in a signal including copy protection information, said method comprising the steps of:

a) receiving said signal including video image information and copy protection information associated with a plurality of display formats;

b) decoding said copy protection information in said received signal, wherein said copy protection information comprises data used for determining display formats available for at least one of:

i) recording said video image information; and

ii) reproducing said recorded video image information;

c) adaptively selecting a display format for displaying said video image information in response to said decoded copy protection information; and

d) processing said video image information using said selected display format.

11. The method of claim 10, wherein selection of said display format is in response to said decoded copy protection information determining user entitlement to select one of said plurality of available display formats.

12. The method of claim 10, wherein said display format is one of:

i) a standard definition format; and

ii) a high definition format.

13. The method of claim 10, further comprising the step of recording said video image information in a format determined by said decoded copy protection information on a recording medium.

14. The method of claim 13, further comprising the step of reproducing said recorded video image information in said format determined by said decoded copy protection information on a display.

15. The method of claim 10, wherein said video image information of said received signal is transmitted as a digital signal on a first channel.

16. The method of claim 15, further comprising the step of receiving ancillary data transmitted on a second channel for controlling processing of said video image data.

17. The method of claim 16, wherein said ancillary data is transmitted as an analog video signal.

19. A method of selecting a format for recording video image information received in a signal including copy protection information, said method comprising the steps of:

a) receiving said signal including video image information and copy protection information associated with one of a plurality of display formats;
b) decoding said copy protection information in said received signal, wherein said copy protection information comprises information for determining the display formats available for recording said video image information;
c) adaptively selecting a display format for recording said video image information on a recording medium in response to said decoded copy protection information; and
d) processing said video image information using said selected display format.

20. The method of claim 19, wherein selection of said recording format is in response to said decoded copy protection information determining user entitlement to select one of said plurality of available display formats.

22. The method of claim 19, further comprising the step of recording said processed video image information in said selected display format on a recording medium.

23. The method of claim 22, further comprising the step of reproducing said recorded video image information in said selected display format for use on a display.

24. The method of claim 19, wherein said copy protection information further includes information indicating a time period during which said processed video image information is able to be reproduced.

25. The method of claim 24, wherein said time period is set in response to said decoded copy protection information determining user entitlement to select one of said plurality of available display formats.

30. A method of selecting a format for recording video image information received in a signal including copy protection information, said method comprising the steps of:

a) receiving said signal including video image information and copy protection information associated with a plurality of picture resolution formats;
b) decoding said copy protection information in said received signal, wherein said copy protection information comprises information for determining the picture resolution formats available for recording said video image information;
c) adaptively selecting a picture resolution format for recording said video image information on a recording medium in response to said decoded copy protection information; and
d) processing said video image information using said selected picture resolution format.

31. The method of claim 30, wherein selection of said resolution format is in response to said decoded copy protection information determining user entitlement to select one of said plurality of available picture resolution formats.

32. The method of claim 30, further comprising the step of recording said processed video image information in said selected picture resolution format on a recording medium.

33. The method of claim 32, further comprising the step of reproducing said recorded video image information in said selected picture resolution format for use on a display.

34. The method of claim 30, wherein said copy protection information further includes information indicating a time period during which said processed video image information is able to be reproduced.

35. The method of claim 30, wherein said time period is set in response to said decoded copy protection information determining user entitlement to select one of said plurality of available picture resolution formats.

36. The method of claim 30, wherein each of said plurality of picture resolution formats is associated with a respective billing rate and further comprising the step of billing a user at the billing rate associated with a selected one of said plurality of picture resolution formats.

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APPENDIX II - EVIDENCE

None

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Serial No.: 09/712,539 **RCA89,567 Div.**

APPENDIX III - RELATED PROCEEDINGS

None

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